IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 467 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAIYED GULAM MOHYUDDIN MOHMADDTAHIRMIYA

Versus

STATE OF GUJARAT

Appearance:

MR LR PATHAN for Petitioner

MR SAMIR DAVE AGP for Respondent No.1

MR JAGDISH MEHTA for MR YOGESH S LAKHANI for Resp. No. 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/11/2000

ORAL JUDGEMENT

#. Heard learned counsel for the parties.

#. On 13.9.2000 Mr.Lakhani, learned counsel for the respondent No.2 made a statement in the court that the Muddamal has already been disposed of by the respondent

No.2 and the order which is impugned in the revisional court has already been complied with. In view of the statement made by Mr.Lakhani, this court has not granted interim relief in favour of the petitioner and prayer for interim relief was rejected.

#. Muddamal has already been disposed of by the respondent No.2. Once the Muddamal is disposed now this court cannot give any direction or order to the respondent No.2 to give the same to the petitioner. The learned counsel for the respondent No.2 admits that this Muddamal produced has been sold for Rs.30,000/-. The matter is pending and either way finally the matter may be decided i.e. in favour of petitioner or in favour of respondent No.2.

#. In view of this fact, it is always in the larger interest of both the parties that the amount may be retained with the court and be invested in some beneficial investment scheme so that ultimately whosoever win the case will get the same with accrued interest thereon.

#. In the result, this Special Criminal Application is disposed of in terms that respondent No.2 shall deposit Rs.30,000/- in the court of Judicial Magistrate, First Class, Veraval within a period of 10 days from today and that court shall invest this amount with the bank in Fixed Deposit initially for a period of 3 years. Ultimately whosoever wins the case the court will pass the order for giving this amount and accrued interest thereon to the winning party. Rule and Special Criminal Application stand disposed of accordingly.

(S.K.Keshote, J.)

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